

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

COMPASS BANK,

Plaintiff/Garnishor,

v.

BANK OF THE WEST,

Defendant/Garnishee.

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CIVIL ACTION NO. 3:12-CV-266

ORDER GRANTING APPLICATION FOR WRIT OF GARNISHMENT

Compass Bank ("Garnishor"), as owner and holder of the judgment against Carlos E. Veytia and Veronica L. Veytia entered in the El Paso Division of this District on February 23, 2012, in Civil Action No. EP-11-CV-228-PRM, has requested that the Court grant its Application for Writ of Garnishment (Dkt. 1). Garnishor's application is supported by the Affidavit of Mike Lewis, Senior Vice President in Asset Recovery Management & Solutions for Compass Bank. (Dkt. 1, Exhibit A, Lewis Aff.)

After considering the pleadings and other papers on file with the Court, the Court finds and concludes that the Garnishor is entitled to a Writ of Garnishment as requested, for the reason that the United States District Court for the Western District of Texas entered a judgment against Carlos E. Veytia and Veronica L. Veytia ("Judgment Debtors"), jointly and severally, and against Carlos E. Veytia, individually, in a case styled *Compass Bank v. Carlos E. Veytia & Veronica L. Veytia*, Civil Action No. EP-11-CV-228-PRM (the "Judgment").

Within Compass Bank's knowledge, Carlos E. Veytia and Veronica L. Veytia do not possess property in Texas subject to execution that is sufficient to satisfy the Judgment. Garnishor has reason to believe, and does believe, that Garnishee, Bank of the West, is holding

property, namely funds, which belong to Judgment Debtors. Garnishor has reason to believe, and does believe, that Garnishee is indebted to the Judgment Debtors by reason of one or more bank accounts in the name of CARLOS E. VEYTIA and/or VERONICA L. VEYTIA. This belief is based on information provided by Judgment Debtors to Compass Bank in the case styled *Compass Bank v. Carlos E. Veytia & Veronica L. Veytia*, Case No. EP-11-CV-228-PRM.

The Court, therefore, concludes that Compass Bank's Application for a Writ of Garnishment (Dkt. 1) meets the requirements for a writ of garnishment under Texas law and Federal Rule of Civil Procedure 69.

IT IS, THEREFORE, ORDERED as follows:

(1) That Compass Bank's Application for a Writ of Garnishment (Dkt. 1) be, and the same hereby is, GRANTED;

(2) That the clerk SHALL ISSUE the attached Writ of Garnishment that commands Bank of the West, which may be served with process by serving its registered agent, CT Corporation, located at 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201-4234, as Garnishee, to appear as required by law and answer under oath what property the Garnishee has of CARLOS E. VEYTIA and VERONICA L. VEYTIA, and where that property was when the writ was served, and what other persons, if any, within Garnishee's knowledge, have effects of the Judgment Debtors;

(3) That the maximum value of property or indebtedness that may be garnished not exceed the amounts awarded in the Judgments; and

(4) That upon service of the Writ of Garnishment on Garnishee, Compass Bank serve notice of the garnishment pursuant to applicable law on Judgment Debtors Carlos E. Veytia and Veronica L. Veytia at their residence located at 500 Crown Point Drive, El Paso, El Paso County, Texas 79912.

DONE, at El Paso, TX, this 20 day of July, 2012.



HONORABLE UNITED STATES DISTRICT JUDGE